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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/502,247 | 07/22/2004 | Thomas Friedhelm Boehme | DE920010119US1 | 1613 |

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IBM CORPORATION (SS)
C/O STREETS & STEELE
13831 NORTHWEST FREEWAY, SUITE 355
HOUSTON, TX 77040

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| EXAMINER |
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LUDWIG, MATTHEW J

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| ART UNIT | PAPER NUMBER |
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2178

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/11/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/502,247 | Applicant(s) BOEHME ET AL. | |
| | Examiner Matthew J. Ludwig | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 10/30/2006.
2. Claims 1-21 are pending in the application. Claims 1 and 18 are independent claims.
3. Claim 1 ***remains rejected*** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-21 ***remain rejected*** under 35 U.S.C. 103(a) as being unpatentable over Shimbo.

Priority

4. Receipt is acknowledged of papers submitted 7/22/2004 under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claim 1, the preamble recites the following phrase ‘a defined layout comprising at least one container, wherein said container is assigned by an identification to a defined layer, and by an identification to an existing parent container, immutable parts of said defined layout, and access rights of the next level of administration’. The language fails to

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accurately point out and distinctly claim the subject matter which applicant regards as the invention. Grammatically, the vexatious nature of the *entire preamble* leaves the examiner confused by what functionality is present within the delegated specialization system.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo et al., USPN 6,760,840 filed (8/26/1998).**

In reference to independent claim 1, Shimbo teaches:

Editing procedures made by a user and stored as deltas with respect to a target version (compare to “*specializing said defined layer by modifying its changeable parts resulting in a delta to said defined layer*”). See column 8, lines 30-67. The converted editing procedures are stored as a difference with respect to the previous version in a format suitable for the record management scheme and an identification of edited versions is stored (compare to “*and assigning identification to said new layer, said identification of said defined layer*”). See column 7, lines 1-67 and column 8, lines 1-50.

A method of storing editing procedures or deltas as a difference with respect to the editing target version (compare to “*storing said delta in layer table*”). The reference provides a management scheme for the storage of deltas within the editing; however, the reference fails to

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explicitly state a layer table. It would have been obvious to one of ordinary skill in the art having the known storage/database methods taught by Shimbo to provide a table for the storage of deltas to produce accurate content versions to a user.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data (compare to “*defining parts of said delta to be unchanged by the next administration level*”). See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed (compare to “*granting access rights to said delta to the next administration level for specialization purposes*”). See column 5, lines 32-45.

In reference to dependent claim 2, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

In reference to dependent claim 3, Shimbo teaches:

The claim states ‘wherein said new level comprises containers with or without’. The claim language fails to preclude the examiner from utilizing the record management methods taught by Shimbo because there wouldn’t be a need for the reference to teach the frame being assigned by identification to parent container of a previous layer. See column 5, lines 32-45.

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In reference to dependent claim 4, Shimbo teaches:

The editing procedure data output from the record management information generation unit and converted into the record data in a format suitable for the record management scheme used by the record management generation unit. See column 9, lines 38-56. The storage format taught by Shimbo suggests the tree structure within the multiple versions stored by the record management system.

In reference to dependent claim 5, Shimbo teaches:

The editing procedure generation unit receives the file content in the editing target version and the file content resulting from the editing carried out with respect to that file. See column 9, lines 15-27.

In reference to dependent claim 6, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data. See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

In reference to dependent claim 7, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

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In reference to dependent claim 8, Shimbo teaches:

The editing end declaration is made by transmitting a command word indicating that it is the editing end declaration, followed by the file ID of the file for which the editing is finished. See column 28, lines 35-46.

In reference to dependent claim 9, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data. See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

In reference to dependent claim 10, Shimbo teaches:

The shared file access-processing unit reads out the version information and the current position information concerning the file ID of ID1 from the access information memory unit, and adds the information along with the file ID of ID1 and the number of bytes to be read out to the argument of the shared open function. See column 41, lines 35-55.

In reference to dependent claim 11, Shimbo teaches:

At the server which received this, the insertion position and the deletion range are converted into the position data with respect to the latest version at the timing by the editing procedure conversion unit. See column 21, lines 1-10.

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In reference to dependent claim 12, Shimbo teaches:

Various version Ids utilized in the record management and editing features maintained by the added/edited files of the control structure. See column 29, lines 23-55.

In reference to dependent claim 13, Shimbo teaches:

A case in which the deletion target is not the first version of the records or the current version. In this case, the previous version of the deletion target version is read out from the server. Here, a plurality of enciphered block data containing the latest version are transmitted from the server. See column 34, lines 1-15.

In reference to dependent claim 14, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

In reference to dependent claim 15, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

In reference to claims 16-21, the claims recite similar limitations to those found in claims 1-10.

Therefore, the claims are rejected under similar rationale.

Response to Arguments

9. Applicant's arguments filed 10/20/2006 have been fully considered but they are not persuasive.

Applicant presents a description of the invention on pages 7-10 of the amendment. The amendment states that the present claims are directed to a method for specializing content. The

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method provides a page having a defined layout and layers that have immutable parts that cannot be edited by the next administration level and changeable parts that may be edited by the next administration level resulting in a delta to the defined layer. Also, each layer has a different administration level resulting in a delta to the defined layer. Each layer has a different administration level that controls the content that is added to that layer, controls the changeable content that is deleted from the previous layer, and controls what content will be immutable to the next administration level. Finally, the content within the layer may be changed repeatedly over time according to the current desires of the administration level. The examiner would like to point out that no such language is found in the preamble or limitations of the independent claim that would describe the functionality present in the above-mentioned text and in the applicant's arguments. Based upon the vexatious nature of the language found within the preamble and limitations of the independent claim, the claim is vague at best. The examiner has made several attempts to draw different conclusions based on the claim language found in the independent claim. Unfortunately, the claim language found in the independent claim leaves the examiner confused as to an interpretation of the claim. As presently claimed, the examiner has interpreted the independent claim as content editing system. Finally, as presently claimed, the language fails to preclude the examiner from utilizing Shimbo and the editing procedures made by a user and stored as deltas with respect to a target version. Shimbo stores converted editing procedures as a difference with respect to the previous version in a format suitable for the record management scheme and an identification of edited versions. Furthermore, the reference provides a management scheme for the storage of deltas within the editing. One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file

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data. See columns 8, lines 30-67, column 18, lines 39-67. Finally, the server manages a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for who accesses are allowed. See column 5, lines 32-45. The reference provides a generic structure for file management/version management. Shimbo describes deltas as modified parts of content, storing said deltas, and defining parts of said delta to be unchanged by the next administration level.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

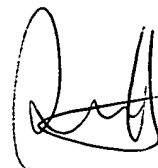
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

A handwritten signature in black ink, appearing to read 'S. Hong', with a stylized, looping flourish at the end.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER